

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

JUAN ANTONIO ABUNDES; JESUS)
EMANUEL ABUNDES; and)
SANJUANA ERNESTINA YEBRA)
v.) No. 3-14-1278
ATHENS FOOD SERVICES, LLC;¹)
ATHENS FOOD SERVICES; ATHENS)
FOOD SERVICES 1; MOHAMMAD S.)
RASRAS; ADEL ELOSTTA; and)
EVANGELIA DINA KAZADOS)
ELOSTTA)

CASE MANAGEMENT ORDER # 2

On August 25, 2014, the plaintiffs filed a notice of election (Docket Entry No. 19), indicating that they will limit this case to their individual claims and not pursue this case as a collective action.

Therefore, as provided in the order entered August 7, 2014 (Docket Entry No. 17), the case management conference, tentatively scheduled on Friday, September 5, 2014,² is CANCELLED.

As also provided in the August 7, 2014, order, by contemporaneously entered order, the Court has approved and entered the parties' proposed case management order, with modifications addressed at the initial case management conference held on August 7, 2014. Those modifications and other matters addressed on August 7, 2014, are as follows:

1. All written discovery shall be propounded by November 10, 2014.
2. Any discovery motion shall be filed by December 15, 2014. Alternatively, counsel for the parties shall, by December 15, 2014, at least schedule a telephone conference all with the undersigned Magistrate Judge to address any discovery issues or disputes relating to fact discovery.
3. Any motions to amend the pleadings shall be filed by January 12, 2015.

¹ Defendant Athens Food Services, LLC filed a corporate disclosure statement indicating that it has been administratively dissolved. See Docket Entry No. 18.

² The September 5, 2014, case management conference was tentatively scheduled in the event that the plaintiffs sought to pursue a collective action.

4. The plaintiffs shall have until January 15, 2015, to serve expert disclosures in accord with Rule 26(a)(2) of the Federal Rules of Civil Procedure.

5. The defendants shall have until February 16, 2015, to serve any Rule 26(a)(2) expert disclosures.

6. Any rebuttal expert disclosures shall be served by March 16, 2015.

7. All expert discovery shall be completed by April 16, 2015.

8. Any dispositive motion shall be filed by May 20, 2015. Any response shall be filed within 21 days of the filing of the motion or by June 10, 2015, if the motion is filed on May 20, 2015. Any reply, if necessary, shall be filed within 14 days of the filing of the response or by June 24, 2015, if the response is filed on June 10, 2015.

No other filings in support of or in opposition to any dispositive motion shall be made after June 24, 2015, except with the express permission of the Honorable Todd J. Campbell.

Memoranda in support of or in opposition to any dispositive motion shall not exceed 25 pages.

No party shall file more than one Rule 12 motion to dismiss or more than one Rule 56 motion for summary judgment.

There shall be no stay of discovery before the December 15, 2014, deadline for completion of fact discovery or the April 16, 2015, deadline for completion of expert discovery even if a dispositive motion is filed prior thereto.

Taking into account the above deadlines, it is recommended that a jury trial be scheduled no earlier than September 22, 2015. However, counsel has a conflict the week of October 12, 2014, so it is requested that the trial be scheduled on September 22, 2015, September 29, October 6, 2015, October 20, 2015, or thereafter. The parties anticipate that the trial will take four (4) days.

It is so ORDERED.



JULIET GRIFFIN
United States Magistrate Judge